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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,183	11/09/2000	Kent Montgomery Brothers	CREO115917	4426
720	7590	10/21/2005		
OYEN, WIGGS, GREEN & MUTALA LLP 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			EXAMINER GIBBS, HEATHER D	
			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,183

Applicant(s)

BROTHERS, KENT
MONTGOMERY

Examiner

Heather D. Gibbs

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 9-17, 34 and 39-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/02/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on January 6, 2005 has been entered and made of record. Claims 1-44 are currently pending.

2.

Response to Arguments

3. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not explicitly claimed the importance or definition or scope of the number of masks used to represent the colors.

The examiner is unclear if the masks are a form (i.e. a figure made of pixels) or if it deals with half toning with code or if it (the mask) is a sort of text corrector. Examiner request applicant to distinctly point out in the specification the answers to the previous unknown. Further, reference number 36 would be beneficial in explaining the purpose of the applicant's invention, however there is no written description in the specification that explains this reference number. Because of this, the Examiner has interpreted the meaning of mask very loosely. See Claim Rejections set forth.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2,5-8, 18, 27-28,36-39,41,43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Ostrovosky (US 6,128,406).

Regarding claim 1, which is representative of claims 27,36,39,41,43-44, Ostrovosky teaches a method of reducing the volume of data representing an image, the image represented by a plurality of pixels, each pixel encoded by an original number of bits, said method comprising: (a) dividing the image into a plurality of tiles; (b) for

each tile: (i) identifying the colors represented in the tile; (ii) identifying a required number of masks to represent the colors; (iii) comparing the required number of masks with a threshold number of masks; (iv) if the required masks is less than the threshold number of masks, generating computer-readable instructions to represent the tile using one or more techniques selected from a group consisting of fills and masks (Col 4 Lines 36-50; Col 8 Lines 8-42).

For claim 2, which is representative of claim 28, Ostrovosky teaches for each tile: if the required number of masks is greater than or equal to the threshold number of masks, generating computer-readable instructions to represent the tile using the original number of bits per pixel or a smaller index (Col 13 Lines 9-23).

For claim 5, which is representative of claim 37-38, Ostrovosky teaches determining whether a data savings is achieved if an index is used to represent the tile; if a data savings is not achieved, generating computer readable instructions representing the tile with the original bits per pixel (Col 4 Lines 44-59; Col 5 Lines 31-59).

For claim 6, Ostrovosky teaches wherein the threshold number of mask equals the original number of bits per pixel representing the image (Col 7 Lines 25-60).

For claim 7, Ostrovosky teaches wherein the threshold number of masks is user-defined as a user input or system configuration (Col 7 Lines 64-67).

For claim 8, Ostrovosky teaches wherein the threshold number of mask is a fixed number less than the original number of bits per pixel (Col 8 Lines 1-7).

Regarding claim 18, Ostrovosky discloses wherein for each renderable color in the tile, generating computer-readable instructions to represent the pixels in an area of the tile with the renderable color as a mask (Table I).

Claim Objections

8. Claim 39,44 is objected to because of the following informalities: Examiner suggest inserting the phrase --computer-readable-- in Line 7 to read "storing computer-readable code". Appropriate correction is required.

Allowable Subject Matter

9. Depending upon the applicant overcoming the 35 USC 112 Rejection as stated above, the following apply:

10. Claims 3-4,9-17,29-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 19-26,35,40,42 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: Examiner found no prior art which teaches selecting a background color; if the background color needs to be rendered, generating computer-readable instructions to fill the tile with the selected background color; determining whether there are any non-background colors in the tile; and if there are any non-background color in the tile: selecting a non-background color; generating computer-readable instructions to


represent the pixels in an area of the tile with the selected non-background color as a mask; and repeating for each additional non-background color.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
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